MEETINGS TO DATE 4 NO. OF REGULARS 4 NO. OF SPECIALS 0

LANCASTER, NEW YORK FEBRUARY 23, 1987

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 23rd day of February 1987, at 8:00 P.M. and there were

PRESENT:

RONALD A. CZAPLA, COUNCILMAN
ROBERT H. GIZA, COUNCILMAN
DONALD E. KWAK, COUNCILMAN
JOHN T. MILLER, COUNCILMAN
STANLEY JAY KEYSA, SUPERVISOR

ABSENT:

NONE

ALSO PRESENT:

ROBERT P. THILL, TOWN CLERK

RICHARD J. SHERWOOD , TOWN ATTORNEY ROBERT L. LANEY, BUILDING INSPECTOR

ROBERT LABENSKI, TOWN ENGINEER
THOMAS E. FOWLER, CHIEF OF POLICE

NICHOLAS LO CICERO, DEPUTY TOWN ATTORNEY

# BID OPENING SCHEDULED FOR 8:10 P.M.:

At 8:10 P.M., the Town Board considered sealed proposals for furnishing to the Town of Lancaster supplies for the Recreation Department.

ON MOTION BY COUNCILMAN MILLER, AND SECONDED BY COUNCILMAN KWAK AND CARRIED, by unanimous voice vote, the time for receiving the aforesaid proposals was closed at 8:10 P.M.

Affidavits of Publication and Posting of a Notice to Bidders were presented and ordered placed on file.

Proposals were received from the following bidders:

# **BIDDERS**

- U.S. Games
   P.O. Box 117028
   Carrolton, Texas 75011-7028
- 2. BSN Corp.
  Box 7726
  Dallas, Texas 75209
- 3. Patchogue Surgical Co., Inc. 140 E. Main street Patchogue, New York 11772
- 4. Jim Ludka Sporting Goods 12 Pineview Dr., Aud. Ind. Park Cheektowaga, New York 14225

- Laux Sporting Goods
   Pineview Dr., Aud. Ind. Park
   Tonawanda, New York 14120
- 6. Ruby's Sporting Goods Store, Inc. 853-857 Clinton Ave. S. Rochester, New York 14620
- 7. Morley Athletic Supply, Inc. P.O. Box 557, 208 Division St. Amsterdam, New York 12010
- 8. Sportmaster
  P.O. Box 5000
  Pittsburgh, Pennsylvania 15206

### BID OPENING SCHEDULED FOR 8:10 P.M. CONT'D.:

ON MOTION BY COUNCILMAN KWAK, AND SECONDED BY COUNCILMAN GIZA AND CARRIED, by unanimous voice vote, the aforesaid proposals were ordered turned over to the Recreation Director for examination, tabulation and recommendation.

### BID OPENING SCHEDULED FOR 8:20 P.M.:

At 8:20 P.M., the Town Board considered sealed proposals for furnishing to the Town of Lancaster trees for the 1987 Tree Planting Program.

ON MOTION BY COUNCILMAN MILLER, AND SECONDED BY COUNCILMAN CZAPLA AND CARRIED, by unanimous voice vote, the time for receiving the aforesaid proposals was closed at 8:20 P.M.

Affidavits of Publication and Posting of a Notice to Bidders were presented and ordered placed on file.

Proposals were received from the following bidders:

### **BIDDERS**

- Gleason's Nursery, Inc.
   4780 Sheridan Dr.
   Williamsville, New York 14221
- Valley View Nurseries, Inc. 6135 Webster Road Orchard Park, New York 14127
- 3. Alden Evergreen Nursery, Inc. 12648 Main Street Alden, New York 14004
- 4. Birch Grove Landscaping & Nursery P.O. Box 117
  East Aurora, New York 14052

ON MOTION BY COUNCILMAN KWAK, AND SECONDED BY COUNCILMAN MILLER AND CARRIED, by unanimous voice vote, the aforesaid proposals were ordered turned over to the Town Board Tree Planting Committee for examination, tabulation and recommendation.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN KWAK , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILLER , TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board, held on February 2, 1987, as presented by the Town Clerk, be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

February 23, 1987

File: R-MIN

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN CZAPLA , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GIZA TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., by letter dated February 9, 1987, has requested the confirmation of two new mombers duly elected to the membership of the Bowmansville Volunteer Fire Association, Inc.,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the additions to the membership of the Bowmansville Volunteer Fire Association, inc. of the following individuals:

# PROBATIONARY ACTIVE MEMBER

Michael Lukas 354 Stony Road Lancaster, New York

Wayne J. Stewart, Jr. 3531 Walden Avenue Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

February 23, 1987

FILE: R-FIRE Page 1

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN GIZA , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KWAK , TO WIT:

WHEREAS, the Town Engineer, by letter dated February 16, 1987, has recommended to the Town Board of the Town of Lancaster the approval of Change Order No. 1 in the amount of \$13,058.65 for Contract No. LT-3, Erie County Sewer District No. 4, and

WHEREAS, the items included in this change order are for the radio telemetry system and the spare parts,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1, Contract LT-3, Project Sanitary Relief Sewers, with Anastasi Trucking and Paving Co., Inc., in the amount of \$13,058.65, and

BE IT FURTHER RESO

RESOLVED, that the Supervisor be and is hereby authorized to execute this change order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

February 23, 1986

File: R-CHNG-ORD (Page 3)

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN KWAK , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN CZAPLA , TO WIT:

WHEREAS, a vacancy exists on the Planning Board of the Town of Lancaster, and

WHEREAS, the Town Board has reviewed applications submitted by several people, and

WHEREAS, the Town Board has determined that the appointment of JOHNSTONE REID, JR. would add an individual to the Planning Board who has expertise in the field of architecture;

NOW, THEREFORE, BE IT

RESOLVED, that JOHNSTONE REID, JR., 46 Stephens Court, Lancaster,

New York, be and is hereby appointed a member of the Town of Lancaster Planning

Board, with term commencing February 23, 1987 and terminating December 31, 1987.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

February 23, 1987

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN GIZA , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN CZAPLA , TO WIT:

WHEREAS, the Town Engineer, by letter dated February 19, 1987, has recommended to the Town Board of the Town of Lancaster the approval of Change Order No. 3 in the amount of \$20,539.13 for Contract No. LT-1, Erie County Sewer District No. 4,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 3, Contract LT-1, Project Sanitary Relief Sewers, with C.M.H. Co., Inc., 590 Cayuga Creek Road, Cheektowaga, New York, in the amount of \$20,539.13, and

BE IT FURTHER

RSOLVED, that the Supervisor be and hereby is authorized an directed to execute the following change order:

# C.M.H. Co. Inc.:

1. mobilization	Add \$	4,690.06
2. traffic protection	Add	1,204.58
3. material price increases	Add	1,663.51
4. wage increases	Add	247.64
5. trench protection	Add	12,320.00
6. hot mix paving - December	Add	413.34

Net Total Add \$ 20,539.13

Previous Extras 121,655.22 Contract Amt. 366.060.50 Adjusted Contract Amt. \$508,254.85

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

February 23, 1986

File: R-CHNG-ORD (Page 3)

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN KWAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILLER, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from their respective accounts:

Claim No. 431 to Claim No. 685 Inclusive.

Total amount hereby authorized to be paid:

\$274,898.22

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

February 23, 1987

File: R-CLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN KWAK , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILLER , TO WIT:

RESOLVED, that the following Building Permit Applications be and are hereby approved and the issuance of Building Permits be and are hereby authorized:

NO.	NAME	ADDRESS	STRUCTURE
21	Thos. Umphreyville	5602 Genesee St.	ER. FENCE
22	lona Builders	7 Squirrel Run La.	ER. SIN. DLWG
23	Marrano/Marc Equity	31 Shadyside La.	ER. SIN. DWLG
24	Babula Const.	5136 William St.	EXT. SIN. DWLG
25	Scott Metzgar	581 Aurora Rd.	EXT. SIN. DWLG
26	M/M Frank Banasik	5617 William St.	ER. SIN. DWLG, GARAGE
27	Marrano/Marc Equity	74 Pheasant Run La.	ER. SIN. DWLG, GARAGE
28	Marrano/Marc Equity	17 Shady Side La.	ER. SIN. DWLG, GARAGE
29	Vicki Quatrani	24 Rollingwood Dr.	INST. FIREPLACE
30	Warren Celeste	5243 Genesee St.	REMODEL SIGN
31	A.B.C. Const.	64 Country Pl.	ER. SIN. DWLG, GARAGE
32	Sharon Sorrentino	451 Aurora Rd.	EXT. SIN. DWLG
33	Harris Hill Deli	5375 Genesee St.	ALTER DELI
34	Fred Donato	1131 Penora Street	ER. SIN. DWLG, GARAGE
35	R.C. Bainbridge Const.	5602 Genesee St.	EXT. SIN. DWLG
and,			

# BE IT FURTHER

RESOLVED, that Building Permit Application No. 26 be and is hereby approved with a waiver of the Town Ordinance requirement for sidewalks.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES COUNCILMAN GIZA VOTED YES COUNCILMAN KWAK VOTED YES COUNCILMAN MILLER VOTED YES SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

February 23, 1987

File: R-BLDG

Deduct

2,588.00

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEYSA , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KWAK , TO WIT:

WHEREAS, certain on-site modifications in the alterations of the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York have resulted in the necessity of change orders, and

WHEREAS, Shelgren & Marzec, Architects, by letters dated

January 20, 1987, have recommended such change orders be accepted by the

Town of Lancaster, and said change orders are on file with the Town Clerk,

NOW, THEREFORE, BE IT

RSOLVED, that the Supervisor be and hereby is authorized an directed to execute the following change orders:

# Frank C. Kellner Co., Inc.:

1.

2.

leave sprinkler mains

in basement at present height

remove sprinkler mains in basement

Building Inspector's/Assessor's room and

7	re-install after floor joist repair	Add	390.00
3.	Omit ventilating duct in basement Conference Room	Deduct	182.00
	Net Total Contrac Adjusted Contrac	et Amt.	143,137.00
Ever	rest. Inc.:		
1.	reinforce 13 existing split first floor joists under Town Board room with new 2 x 12 joists placed next to split		
2.	joists, bearing on masonry at each end and spiked to existing joists. change 6' - 7" basement doors to 6'- 8",	Add	4,933.00
3.	furnish new wood jambs for doors 08, 010, 012, install new steel lintels at doors 02, 08, 010 omit plaster on basement Employees Room	Add	2,796.00
	east wall, paint and clean brick as required.	Deduct	258.00
4.	in basement, under new stair, add closet opening off of Computer Room: include door, frame, trim, hardware, 4 wood shelves,		
5.	plaster walls and ceiling, flooring and base in basement lower hall, remove existing furred down drywall ceiling from plastered beam east to east end lower ramp, install ne		1,658.00
	5/8" fire shield on underside of joists and new suspended accoustical tile ceiling	Add	1,608.00

6.	at first floor exterior walls, install 5, fire shield from suspended ceilings to			
7.	<pre>in basement, add drywall cement and stop: required to open joints between fire ship</pre>	s as	bb	2,191.00
	and brick walls		dd	599.00
8.	in basement Employees Room, between vauland east wall, add $4^{\prime\prime}$ steel beam to carriew 2 x 10 joists to support first floor	у		
_	side entry floor		dd	788.00
9.	at first floor door to Town Clerk's Dept east of main stair, add $2" \times 2" \times 1/4"$	•		
4.0	angle lintel	A	dd	78.00
10.	in first floor, at Town Clerk's Office, remove masonry infill between joists, install new rough flooring	A	dd	375.00
11.	at first floor, incraese wainscot height	• •	uu	272.00
	in Town Board room and Town Clerk's Office - west end from 41" to 50"		dd	1,349.00
12.	at first floor door 106, omit cutting			
	down transom and trim, install wood			
	casing on Tax Lobby side to finish off dropped ceiling plenum	Dedu	ct	150.00
	C	Contract A	mt. <u>2</u>	15,967.00 88.819.00
	Adjusted C	Contract A	mt. 3	04,786.00

and,

BE IT FUTHER

RESOLVED, that each of the adjusted contract amounts, for Everett, Inc. and Frank C. Kellner Co., Inc., for the rehabilitation of Lancaster Town Offices, are subject to the following conditions:

- a) the aforementioned changes and the work affected thereby are subject to all contract stipulations and covenants,
- b) the rights of the Town of Lancaster are not prejudiced,
- c) all claims against the Town of Lancaster which are incidental to, or as a consequence of, the aforementioned changes are satisfied.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

February 23, 1987

File: R-CHNG-ORD (Pages 1 & 2)

#### STATUS REPORT ON UNFINISHED BUSINESS:

- 1. <u>Dumping Permit Keith A. Wilkinson</u>
  On September 11, 1986, this application was referred to the Planning Board, Planning Consultant, Building Inspector and Town Engineer for review and report to the Town Board.
- 2. Public Improvement Permit Authorization Country View East Subdivision. Phase I (Marrano/Marc Equity).

  The retention pond has not yet been accepted but completion is secured by a Letter of Credit expiring on November 1, 1987.
- 3. Public Improvement Permit Authorization Country View East Subdivision. Phase II (Marrano/Marc Equity).
  This item remains under unfinished business until a retention basin is constructed on the Lancaster Sr. High School property.
- 4. Public Improvement Permit Authorization Country View East Subdivision. Phase III (Marrano/Marc Equity).

  This item remains under unfinished business until a retention basin is constructed on the Lancaster Sr. High School property.
- 5. Public Improvement Permit Authorization Heritage Hills Subdivision The Town Board is awaiting maintenance security for P.I.P. No. 65 (retention pond) prior to acceptance.
- 6. Public Improvement Permit Authorization Lancaster Industrial
  Commerce Center
  The Town Board authorized issuance of P.I.P. No. 79 (water main) and
  No. 80, (retention basin) on June 6, 1983.
- 7. Rezone Petition Earl P. Blair
  On February 19, 1987, this petition was referred to the Planning
  Board for review and recommendation.
- 8. Rezone Petition Josela Enterprises, Inc.
  On June 2, 1986, this petition was referred to the Planning Board for review and recommendation.
- 9. Rezone Petition Salvatore and Elinore Oddo
  On January 19, 1987, this petition was referred to the Planning Board for review and recommendation. On February 4, 1987, the Planning Board recommended approval of this proposed rezone.
- 10. Rezone Petition George Stephen
  On August 11, 1986, this petition was referred to the Planning Board
  for review and recommendation. On September 15, 1986, the Town Board
  set a public hearing on this matter for October 6, 1986. On
  October 6, 1986, the Town Board held a public hearing on this matter
  and reserved decision.
- 11. Rezone Petition Frank and Sandra Surianello
  On February 2, 1987, this petition was referred to the Planning Board
  for review and recommendation. On February 18, 1987, the Planning
  Board recommended denial of this proposed rezone.
- 12. <u>Subdivision Approval Meadowland (Bosse)</u>
  On November 6, 1986, this matter was referred to the Planning Board Chairman, Chief Fowler, Highway Superintendent, Town Engineer, and Town Planning Consultant for review and report.

### STATUS REPORT ON UNFINISHED BUSINESS CONT'D:

- 13. Subdivision Approval "The Meadows" Subdivision (Giallanza)
  On July 7, 1986, this matter was referred to the Planning Board
  Chairman, Chief Fowler, Highway Superintendent, Town Engineer, and
  Town Planning Consultant for review and report. On September 3,
  1986, the Planning Board recommended to the Town Board approval of
  this proposed subdivision. On September 26, 1986, the Planning Board
  rescinded their recommendation for approval of the preliminary plot
  previously adopted on September 3, 1986.
- 14. <u>Traffic Study Intersection, Genesee Street and Ransom Road</u>
  On December 1, 1986, the Town Board petitioned the NYSDOT for a lower speed limit in this area.
- 15. Traffic Study Speed Reduction, Pavement Road, Broadway North to Walden Avenue
  On August 19, 1985, this matter was referred to the Police Chief for Investigation and recommendation.
- 16. Traffic Study Speed Reduction, Ransom Road, Broadway North to Genesee Street On August 19, 1985, this matter was referred to the Police Chief for Investigation and recommendation.
- 17. Zoning Ordinance and Map Update
  On June 15, 1983, Consultant Richard Brox conveyed a draft to the
  Town Board and Planning Board. Numerous joint sessions have been
  held to resolve areas of concern. SEQR review, on the ordinance
  only, was held on July 18, 1984. The proposed map has not been
  subjected to SEQR review.

# COMMUNICATIONS:

101.	Town Clerk to Town Board - Monthly report for January 1987.	R & F
102.	Building Inspector to Town Board - Monthly report for January 1987.	R & F
103.	Building Inspector to Town Board - Recommendations re: the zoning ordinance as it pertains to machine shops.	PLANNING COMMITTEE
104.	Town Clerk to Town Board - Transmittal of Rezone Petition of Frank/Sandra Surianello.	PLANNING BOARD
105.	Police Chief to N.Y. Telephone Co Concern over computer-controlled digital switching systems at the Lancaster office.	R & F
106.	Report of the Association of Towns Annual Meeting on 12/15/86.	R & F
107.	National Fuel to Town Board - Comments re: presentation on 2/2/87.	R & F
108.	Town Attorney to Town Board - Request from Pine Hill re: release of IBM stocks.	TOWN CLERK FOR RESOLUTION3/2/87
109.	Bowmansville V.F.A. to Town Board - Recommendation of two members to active roster.	R & F
110.	Cayuga Club to Supervisor - Comments re: sick bank time policy.	R & F
111.	Off. of Revenue Sharing to Supervisor - Comments re: the Revenue Sharing Program.	R & F
112.	County Div. of Highways to Supervisor - Comments and data re: Town Line Rd. Bridge Reconstruction Project.	R & F
113.	Super 8 Motels, Northeast to Town Attorney and Dep. Town Attorney - Reply to Town Board's concerns.	R & F
114.	Town Clerk to Planning Board - Transmittal of Blair Rezone Petition.	R&F
115.	Planning Board to Town Board - Minutes of meeting held 2/4/87.	R & F
116.	Planning Board to Town Board - Recommendation of approval of S. Oddo Rezone Petition.	TOWN ATTORNEY FOR PUBLIC HEARING RESOLUTION
117.	Planning Board to Town Board - Minutes for meeting held on 2/18/87.	R & F
118.	Planning Board to Town Board - Recommendation of denial of Surianello Rezone	TOWN ATTORNEY FOR PUBLIC HEARING RESOLUTION
119.	United Way to Supervisor - Letter of appreciation for hosting Lancaster Town Forum.	R & F
120.	Assoc. of Erie County Governments to Supervisor Minutes from meeting of January 1987.	- <u>RεF</u>
121.	U.S. Dept. of Agriculture to Supervisor - Invitation to attend Erie County Soil Survey Report Ceremony 3/12/87 at West Seneca.	BUILDING INSPECTOR ENGINEER

The Supervisor requested a suspension of the necessary rule for immediate consideration of the following communication ~ SUSPENSION GRANTED.

122.	Bowmansville Vol. Fire Co. to Supervisor -	BUILDING INSPECTOR
	Letter regarding drilling at Lancaster Landfill.	
123.	F. White, Commissioner, NYSDOT to Supervisor -	R & F
	Forum at S.U. of N.Y. at Buffalo.	
124.	J. Miller, Councilman to Northeast Bd. Members -	R & F
	Re: Meeting Adgenda,	
125.	Krehbiel Associates, Inc. to Supervisor -	RεF
	Re: Erie County Sewer Dist. No. 4 - Project	
	No. C-36-390-03 Contract LT-1.	
126.	Krehbiel Associates, Inc. to Town Board -	R & F
	Re: Iroquois Pump Station - Contract LT-3	
	Project No. C-36-390-03.	

ON MOTION OF COUNCILMAN CZAPLA, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:40 P.M.,

Signed Robert P. Thill, Town Clerk